



W.P.No.14797 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14797 of 2024

A.Ganesan

...Petitioner

-Vs-

1.The Inspector General of Registration,
100, Santhome Road,
Mulima Nagar,
Mandavelipakkam,
Raja Annamalaipuram,
Chennai – 600 028.

2.The Deputy Inspector General of Registration,
Hasthampatty,
Salem – 636 007.

3.The District Registrar,
Collectorate Compound,
Salem.

4.The Sub Registrar,
Jalakantapuram,
Jalakantapuram Post,
Mettur Taluk,
Salem.

5.R.Kandasamy

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a direction in the nature of Writ of Mandamus,



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directing the fourth respondent to consider the Petitioner's representation dated 14.03.2024 in the light of the proceedings of the second respondent in Na.Ka.No.2205/A1/2023 dated 03.04.2023 and thereby direct the fourth respondent not to register sale deed in respect of any portion of the property comprised in (1) In Survey No.212/1C, extent 0.83.50 hectares (2) In S.No.212/2 extent 0.32.00 hectares (3) In S.No.212/5B extent 0.21.50 hectares (4) In S.No.213/1A extent 0.01.50 hectares (5) In S.No.213/1C extent 1.02.50 hectares (6) In S.No.215/1B extent 0.74.0 hectares, measuring 7.78 acres in which one half in common measuring 3.89 acres of land, situated in Nangavalli Village, Mettur Taluk, Salem District, pending Civil Suit No.70 of 2023 on the file of Additional District Court, Mettur and pass such further orders.

For Petitioner : Dr.R.Gouri

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the fourth respondent to consider the petitioner's



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representation dated 14.03.2024 in the light of the proceedings of the second respondent in Na.Ka.No.2205/A1/2023 dated 03.04.2023 and thereby direct the fourth respondent not to register sale deed in respect of any portion of the property comprised in (1) In Survey No.212/1C, extent 0.83.50 hectares (2) In S.No.212/2 extent 0.32.00 hectares (3) In S.No.212/5B extent 0.21.50 hectares (4) In S.No.213/1A extent 0.01.50 hectares (5) In S.No.213/1C extent 1.02.50 hectares (6) In S.No.215/1B extent 0.74.0 hectares, measuring 7.78 acres in which one half in common measuring 3.89 acres of land, situated in Nangavalli Village, Mettur Taluk, Salem District, pending Civil Suit No.70 of 2023 on the file of the Additional District Court, Mettur.

3. It is the case of the petitioner that petitioner and the fifth respondent entered into a Sale Agreement dated 11.11.2021 to sell his property for the sum of Rs.15,00,000/- and he paid the sum of Rs.14,00,000/- and agreed to pay the remaining sum of Rs.1,00,000/- on the date of execution of the Sale Deed. Subsequently, the fifth respondent refused to execute the Sale Deed and so he filed the suit in O.S.No.70 of 2023 and the same is pending. Now, the fifth respondent is trying to alienate the property. So, the petitioner sent the representation letter dated 14.03.2024 and the legal notice dated 27.03.2024 requesting the respondents not to entertain any sale deed in



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respect of the subject property, if placed by the fifth respondent, considering the pending civil suits.

4. Learned counsel for the petitioner submits that on 03.04.2024, the second respondent directed the fourth respondent to take action based on the first respondent's circular. The main grievance of the petitioner is that even though the representation was made on 14.03.2024, the same has not been considered by the respondents so far. Hence, the present writ petition has been filed.

5. Learned Special Government Pleader appearing for the respondents submits that the representation of the petitioner would be considered on merits and in accordance with law by the authority concerned.

6. Heard both sides and perused the materials available on record.

7. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, issues the following directions:

a) The fourth respondent / The Sub Registrar, Jalakantapuram,



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Jalakantapuram Post, Mettur Taluk, Salem, is directed to consider

the representation of the petitioner dated 14.03.2024 in the light of the proceedings of the second respondent in Na.Ka.No.2205/A1/2023 dated 03.04.2023.

b) While considering the petitioner's representation, the fourth respondent is directed to conduct a detailed enquiry and dispose of the petitioner's representation after giving notice to both parties, affording an opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law thereby following the above principles of natural justice within a period of six weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order

J.SATHYA NARAYANA PRASAD, J.

cda



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To
WEB COPY

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